

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LYNN ZELVIN, on behalf of himself and all
others similarly situated, :
Plaintiff, :
: 23-CV-8322 (VSB)
-against- :
Duckett Fishing, LLC, :
: **ORDER**
Defendant. :
: X
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VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on September 20, 2023, (Doc. 1), and filed an affidavit of service on October 12, 2023, (Doc. 5). The deadline for Defendant to respond to Plaintiff's complaint was November 1, 2023. (See Doc. 5.) On November 3, 2023, I directed Plaintiff to seek default judgment by no later than November 17, 2023. (Doc. 6.) I warned, "If Plaintiff fails to do so or otherwise demonstrate that they intend to prosecute this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b)." (*Id.*) To date, Defendant has not appeared or responded to the complaint. Plaintiff, however, has not sought default judgment or taken any action to prosecute this case.

Accordingly, Plaintiff's claims are dismissed without prejudice pursuant to Rule 41(b). The Clerk of Court is respectfully directed to terminate this action.

SO ORDERED.

Dated: November 20, 2023
New York, New York



VERNON S. BRODERICK
United States District Judge